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SUBJECT: NIGER: TANDJA DECLARES "STATE OF ALERT" IN AGADEZ

REF: NIAMEY 1055

Summary -----

¶1. On August 24, President Tandja declared a "State of Alert" for three months in the Agadez region plagued by armed conflict between the Niger Movement for Justice (MNJ) and government forces. Prime Minister Seini Oumarou undertook a regional diplomatic outreach to seek regional support in resolving the crisis. While the "State of Alert" is provided by law, the local population, the civil society, and NGOs seem skeptical about its justification.

The "State of Alert" -----

¶2. Niger's constitution (articles 53, 54 and 86) allows the President to take exceptional measures in circumstances such as serious threat to national territorial integrity, the execution of its international obligations, and the normal operation of public service. The state of alert is the first stage of these measures - ranging from "State of Alert" to state of emergency to martial law depending on the gravity of the situation.

¶3. The "State of Alert" aims at taking "certain appropriate measures to ensure the government's freedom of action, to reduce the vulnerability of the population or major installations, and to guarantee the security of military forces' mobilization and implementation operations." Under this law, people can be arrested, questioned and detained without time limit. The government may requisition persons, services, and property for the purpose of the state of alert.

First responses to the "State of Alert" -----

¶4. The Agadez population and Niger's civil society in general have expressed concern over the GON's decision, as it gives extended powers to the military. They felt that the military may use it to infringe on public liberties and possibly commit other blunders. For example, since the announcement of this decision, there were reports that security forces arrested several people in Agadez and Arlit. The Libyan Consul in Agadez was briefly arrested then expelled from the country over the weekend. This alert will also limit donor-funded project activities in the region, to the detriment of an already desperate and vulnerable population.

The MNJ's response -----

¶5. In an interview with Radio France International (RFI), Mohamed Acharif, the MNJ's vice-president, said that the GON's measures

would not deter his movement. He stated that the MNJ's action would not be limited to Agadez alone, but it could hit other locations in Niger.

¶6. The MNJ's website reported on August 27 that the army killed seven civilians near Gougaram, "in retaliation to the death of several soldiers during previous skirmishes." The site also reported the arrest of seven other people in Agadez and Arlit. In response to the purported deaths and arrests the MNJ declared "an eye for an eye, a tooth for a tooth."

Comment

¶7. Observers say that the President's decision comes as a response to the recommendations made on August 11, by a forum on the situation in northern Niger which gathered civil society groups, academics, religious leaders, traditional chiefs, and other think tanks. The forum recommended that the GON recognize the MNJ as a rebel movement and use existing conflict resolution mechanisms to work toward a peaceful settlement. In a letter to the Minister of Interior, the Collective for the Defense of Human Rights and Democracy, an umbrella group of twenty human rights associations, offered to visit northern Niger in order to engage mediation with the MNJ.

¶8. Also, by declaring a "State of Alert" then immediately sending his Prime Minister to seek support from Sudan and Libya, President Tandja uses the carrot and stick approach. This falls in line with his Independence Day address to the nation on August 2, in which he said, "we should act candidly, in respect of the friendly and profitable relations with our traditional partners and those who show interest in our country" while opting for firmness by stating that he would "preserve our territorial integrity and carry a

NIAMEY 00001112 002 OF 002

relentless fight against those who have chosen to take arms in this country".

¶9. While raising human rights concerns, the President's "State of Alert" declaration may fuel more accusations in the MNJ's propaganda campaign. The effectiveness of the President's new strategy remains to be seen. END COMMENT.

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